

# Notice of Allowability

Application No.

10/634,389

Examiner

Gregory R. Del Cotto

Applicant(s)

GICHUHI ET AL.

Art Unit

1751

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend. filed 4/19/07.
2. ☒ The allowed claim(s) is/are 1, 3, 5-10, 17, 19-22, 24-28, 30, 31, 33-37, 42 renumbered 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

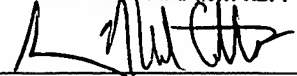
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/9/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

GREGORY DELCOTTO  
PRIMARY EXAMINER



### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles T. Riggs, Jr. on July 2, 2007.

The application has been amended as follows:

#### **The Claims:**

In claim 1, line 1, delete "including" and insert – containing --.

In claim 17, line 1, delete "including" and insert – containing --.

In claim 22, line 1, delete "including" and insert – containing --.

In claim 27, line 1, delete "including" and insert – containing --.

In claim 33, line 1, delete "including" and insert – containing --.

In claim 36, line 1, delete "including" and insert – containing --.

In claim 37, line 1, delete "including" and insert – containing --.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's arguments, Applicant's amendments, and the Examiner's Amendment are sufficient to place the instant claims in condition for allowance. Of the references of record, the most pertinent are Manabe et al (US 4,219,433) or EP 020,042. Manabe et al teach metal corrosion inhibitor comprising benzoic acid, a

trialkanolamine, phosphoric acid, and at least selected from mercaptobenzothiazole, etc., which exhibit excellent anti-corrosive property to various metals for a long term and can be diluted with an aqueous liquor and can be employed in combination with usual anti-freezing agents. See Abstract.

'042 teaches a non-petroleum based metal corrosion inhibitor in the form of a solution of compounds mixed together in particular proportions to form a non-petroleum based coating for preventing, or inhibiting, the oxidation of metals. The solution is prepared from aliphatic monobasic acids, aromatic acids, amines, and water, with or without a lubricant. See Abstract.

However, neither Manabe et al or '042 teach a composition containing the specific combination of a paint mixture and a chemical composition comprising a first complexing agent which is a specific alkylamine and a second complexing agent which is a carboxylic acid.

None of the references, alone or in combination, teach or suggest a composition and method of making a composition containing the specific combination of a paint mixture and a chemical composition comprising a first complexing agent selected from the group consisting of 3-methoxypropylamine, 4-ethylmorpholine, dimethylaminopropylamine, and aminopropylmorpholine, a second complexing agent which is a carboxylic acid, and the other requisite components of the composition in the specific amounts as recited by the instant claims. Accordingly, since the prior art of record fails to teach or suggest such a composition and method of making such a composition as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gregory R. Del Cotto

Application/Control Number: 10/634,389

Page 5

Art Unit: 1751

Primary Examiner  
Art Unit 1751

GRD

July 9, 2007